

CODE ENFORCEMENT BOARD MINUTES
Wednesday, June 8, 2022 – 1:30 p.m.
City Hall, Council Chambers, Vero Beach, Florida

PRESENT: Chairman, Eric Price; Vice Chairman, Linda Hillman; Members: Frank Pizzichillo, Stephen McDonald; Christopher Bryant and Ken Daige **Also Present:** Code Enforcement Officer, Melody Sanderson; Code Enforcement Officer, Jamila McGee; City Attorney, John Turner and Deputy City Clerk, Sherri Philo

1. CALL TO ORDER

Today's meeting was called to order at 1:30 p.m.

2. PLEDGE OF ALLEGIENCE

The Chairman led the Board members and the audience in the Pledge of Allegiance to the flag.

The Deputy City Clerk swore in staff and the audience present for today's meeting en masse.

3. PRELIMINARY MATTERS

A) Adoption of Minutes

1. May 11, 2022

Mr. Price made a motion to adopt the minutes of the May 11, 2022 Code Enforcement Board meeting. Mr. McDonald seconded the motion and it passed unanimously.

B) Agenda Additions, Deletions and Adoption

Ms. Sherri Philo, Deputy City Clerk, pulled Case #22-CE-12377 – Calvary Chapel of Vero Beach / James Gallagher, Agent, and Case #22-CE-12422 – Christopher R. Ryan, owner, / Tropical Hardscapes LLC, Henry Maragh, Agent, from today's agenda. She reported that she received a request for postponement for each case, which was approved by the Chairman.

Ms. Melody Sanderson, Code Enforcement Officer, pulled Case #22-CE-12464 – Vero Hotel Management LLC / George Heaton, Agent, from today's agenda. She reported that they came into compliance on June 6, 2022.

Mr. Price made a motion to adopt the agenda as amended. Mr. McDonald seconded the motion and it passed unanimously.

4. UNLICENSED CONTRACTORS/CITATIONS

None

5. EVIDENTIARY HEARINGS

A) Citation Appeals

None

B) Non-Compliance / Compliance Reports

1. Request for Board Order

*Please note that all exhibits submitted into evidence for today's hearings are on file in the City Clerk's office.

a. CASE #21-CE-12046 / 3357M

VIOLATOR: Riomar Cove Homeowners Association Inc. / Robert Lewis, Agent

VIOLATION: Failure to maintain stormwater management structures and stormwater mitigation measures in the River Cove Lane community – Code Section 73.28

VIOLATION ADDRESS: Riomar Cove Lane, Vero Beach, Florida 32963

(Failure to comply)(Paid civil penalty and costs)

Ms. Sanderson reported that service of the citation was provided by certified mail and property posting. She then called Ms. Danessa Chambers as a witness to explain to the Board what is going on with this property.

Mrs. Danessa Chambers, Assistance City Engineer for the City of Vero Beach Public Works Department, who has been sworn in, showed on the screen the site plan for the Riomar Cove Subdivision (on file in the City Clerk's office). She reported that the original drainage provided retention between all the properties and along the rear of the properties for stormwater. She reported that this is both for flood protection and for treatment before it discharges into the Lagoon because this neighborhood has a direct outfall from their system to one of the canals. The City received some site plans for new developments because the about half of the lots had been developed and half of the lots had remained vacant. When the City received the site plans for the vacant properties they realized that the grades in the surveys did not match the intended design of the drainage system. Upon further review staff noticed there were structures that were damaged and properties that were developed had fully filled in their swales. Code Enforcement was then contacted and they reached out to the Home Owner's Association (HOA) because it is ultimately the HOA's responsibility to maintain the drainage facility for the neighborhood. The citation was issued on October 19, 2021, and staff met with the HOA Representative and the Engineering Consultant on November 8, 2021. At that meeting staff asked for a timeline on what they felt would be reasonable to either maintain the facilities or submit a plan to modify the drainage system. Staff did not hear back from them until January 7, 2021 and were given a timeline. They elected to maintain the system to the original condition and requested 60 to 90 days. Staff allowed 90-days, but no action was ever taken. Once they received the Notice of Hearing they reached out to staff and met them on May 13, 2022, and walked the site with them. They understood what the issues were and have elected to move forward maintaining to the original design. She said there are some challenges because people have constructed improvements so they are going to have to make some minor modifications, which staff approved as long as for the most part it meets the original intent of the design. She said staff is not opposed to allowing them time to complete this.

Mr. Daige asked Ms. Chambers what she felt would be a reasonable timeframe to comply.

Mrs. Chambers answered about six (6) months.

Mr. Daige asked were the swales filled in by the property owners.

Mrs. Chambers said that is her understanding.

Mr. Daige asked how many canals does this drain into and what is the final canal that it drains into.

Mrs. Chambers said it ultimately drains into the Lagoon. She said some of the homes are on the water, there are swales that hold water, and there is a retention area that has a controlled structure that controls the discharges.

Mr. Ryan McLean, of MBV Engineering, said that he is present today representing Mr. Robert Lewis, President of the HOA. He said that Mr. Lewis did give him Power of Attorney to speak on this matter. He handed to the Board their Action Development Update (Exhibit A).

Mr. John Turner, City Attorney, asked what is your connection with the HOA.

Mr. McLean said that he is the Project Manager of MBV Engineering. The HOA brought them in as part of a joint agreement with the home developer to walk them through this issue.

Mr. Turner asked who is Robert J. Lewis.

Mr. McLean said he is the President of the HOA.

Mr. Turner asked who is Yane Zana.

Mr. McLean said he is the President of Coastmark Construction.

Mr. Turner said that he would like to have a representative of the HOA or their attorney present along with Mr. McLean. He said it sounds like they have been given about seven (7) months to address this problem and there could be penalties assessed by the Board and he didn't want them to feel that they should have had their attorney present. He felt uncomfortable proceeding in the event that there could be some sanctions imposed.

Mr. McLean said that he was asked to present an update to the Board. He said that Mr. Zana was supposed to present this information to the Board, but he was called away. He asked that the Board look at the information that was provided.

Mr. Turner said his recommendation to the Board would be that this case be continued and placed on the next Code Enforcement Board agenda. He told Mr. McLean that his client should be advised that they are facing some significant penalties and that the Board wants to see progress made as soon as possible. He asked Mrs. Chambers if she had any objections on continuing this case to the next Code Enforcement Board meeting and overseeing if they are making any progress.

Mrs. Chambers had no objections.

Mr. McDonald made a motion that the Board continues this case to the July Code Enforcement Board meeting. Mr. Pizzichillo seconded the motion and it passed unanimously.

- b. CASE #22-CE-12166 / 3414M**
VIOLATOR: Hugo Alexander and Megan Rassveldt
VIOLATION: Land development Code violation / Parking in the required front yard and right-of-way encroachment – Code Section 60-21 (b)(7); 74-82 (d); 71.03
VIOLATION ADDRESS: 550 Holly Road, Vero Beach, Florida 32963
(Failure to pay \$50.00 civil penalty)

Ms. Sanderson said that she meant to pull this case from today's agenda. They are in compliance and the civil penalty has been paid.

- c. CASE #22-CE-12324 / 0470J**
VIOLATOR: Lisa Griffin
VIOLATION: Private wastewater disposal system violation – Code Section 78-83 (a)(4)
VIOLATION ADDRESS: 1435 35th Avenue, Vero Beach, Florida 32960
(Failure to pay \$50.00 civil penalty)

Ms. McGee reported that the property is in compliance, but the civil penalty has not been paid.

Ms. Lisa Griffin, property owner, who has been sworn in, apologized to the Board. She said that she would pay the civil penalty today.

Mr. Price moved that the Board finds that there was a violation, that the violation has been corrected and that the Board issues a Board order to pay the initial civil penalty of \$50.00. Mr. McDonald seconded the motion and it passed unanimously.

- d. CASE #22-CE-12366 / 0469J**
VIOLATOR: Liljana Rudaj and Petrit Stolaj / Stroju, LLC
VIOLATION: Containerized collection – Code Section 66-11 (5)(a)(6)(a)
VIOLATION ADDRESS: 1621 Ocean Drive, Vero Beach, Florida 32963
(Failure to comply)

Ms. McGee reported that the civil penalty has been paid and the property is not in compliance.

Ms. Lilijana Rudaj, violator, who has been sworn in, approached the dais.

Mr. Pizzichillo asked why wasn't this taken care of when she was initially notified.

Ms. Rudaj said her employee was called and told that the dumpster needed to be closer to the building, however her employee did not let her know. When she was notified by the Code

Enforcement Officer she said that she would take care of it. Then when they came to empty the dumpster it was left by the road. She said that she paid the civil penalty when she received the citation. She reported that she did hire a company on May 27, 2022, and is waiting for staff approval. She reported that she called the City yesterday and was told that it was still under review.

Mr. Price moved that the Board finds that there is a violation, that the violation continues, and that the Board issues a Board order to correct the violation within 60-days from the date of the Board order or continuing civil penalties in the amount of \$50.00 per day shall commence on the original compliance date of May 3, 2022, until corrected and that the initial civil penalty has been paid. Mr. Daige seconded the motion and it passed unanimously.

- e. **CASE #22-CE-12377 / 0466J**
VIOLATOR: Calvary Chapel of Vero Beach / James Gallagher, Agent
VIOLATION: Use for parking without permits – Code Section 60.21
VIOLATION ADDRESS: 1018 18th Street, Vero Beach, Florida 32960
(Failure to comply; Failure to pay \$50.00 civil penalty)

This item was pulled from today's agenda.

- f. **CASE #22-CE-12386 / 3329M**
VIOLATOR: P. Scott McCracken
VIOLATION: Public nuisance / Property is vacant and unsecured – Code Section 38-31 (8)
VIOLATION ADDRESS: 2716 Laurel Drive, Vero Beach, Florida 32960
(Failure to pay \$50.00 civil penalty)

Ms. Sanderson submitted into evidence photographs of the property (Exhibit A). She reported that service of the citation was provided by property posting. The property came into compliance on April 28, 2022, and the civil penalty has not been paid. She asked that the Board finds that there was a violation, that the violation has been corrected and that the Board issues a Board order to pay the initial civil penalty of \$50.00, along with enforcement costs of \$39.06.

Mr. Price moved that the Board finds that there was a violation, that the violation has been corrected, and that the Board issues a Board order to pay the initial civil penalty of \$50.00, along with the cost of enforcement of \$39.06. Mr. Daige seconded the motion and it passed unanimously.

- g. **CASE #22-E-12417 / 3338M**
VIOLATOR: P. Scott McCracken
VIOLATION: Maintenance of historic site – Code Section 76.41 (b)
VIOLATION ADDRESS: 2716 Laurel Drive, Vero Beach, Florida 32960
(Failure to pay \$50.00 civil penalty)

Ms. Sanderson reported that service of the citation was provided by property posting. The property came into compliance on April 28, 2022, and the civil penalty has not been paid. She asked that the Board finds that there was a violation, that the violation has been corrected and that the Board issues a Board order to pay the initial civil penalty of \$50.00.

Mr. Daige referred to the photographs that was provided to the Board on the previous case (Exhibit A). He asked is that the current condition of the house.

Ms. Sanderson said that was the condition of the property when it was cited.

Mr. Daige asked about the permit.

Ms. Sanderson reported that the permit was issued on April 27, 2022, and inspections have not been made. She explained that the Planning Director determined that the property was in compliance by obtaining the permit and boarding up the structure.

Mr. Daige questioned the green stuff on the roof of the home that is shown in one of the photographs.

Ms. Sanderson reported that was some type of vegetation, which has been removed.

Mr. Daige asked what was the permit issued for.

Ms. Sanderson said the permit was for interior alterations, plumbing, and electrical. She then submitted into evidence a permit report on the property (Exhibit B).

Mr. Pizzichillo said that he understands that the property is in compliance. However, it is a historical site. He asked does the City have any Ordinances where historic sites have to be maintained.

Ms. Sanderson read into the record, Code Section 76.41 (b), *“The owner of a historic site shall not permit the subject historic property to fall into a state of disrepair that may result in the deterioration of exterior appurtenances or architectural features. If the HPC (Historic Preservation Commission) or authorized City official determines that the designated historic site is endangered by lack of maintenance or repair, it shall notify the planning director, so that the City may see correction of such deficiencies pursuant to section 76.57.”*

Mr. Price moved that the Board finds that there was a violation, that the violation has been corrected, and that the Board issues a Board order to pay the initial civil penalty of \$50.00. Mr. McDonald seconded the motion and it passed unanimously.

- h. CASE #22-CE-12399 / 3331M**
VIOLATOR: Shannon Arguson (tenant) and Dolphin Property Holdings LLC / Michael Buza, Agent (owner)
VIOLATION: Cats at large – Code Section 14-1
VIOLATION ADDRESS: 2450 Cortez Avenue, Vero Beach, Florida 32960
(Failure to pay \$50.00 civil penalty)

Ms. Sanderson reported that service of the citation was provided by property posting when the certified mail came back unclaimed. She then called Animal Control Officer Lee as a witness.

The Deputy City Clerk swore in Mr. Scott Lee.

Ms. Sanderson asked how long have you been the Animal Control Officer.

Mr. Scott Lee, Animal Control Officer, who has been sworn in, said that he is going on his fourth year as the Animal Control Officer.

Ms. Sanderson asked are you familiar with the address of 2450 Cortez Avenue.

Officer Lee answered yes.

Ms. Sanderson asked have you been called to that property.

Officer Lee said it was the neighbors of 2450 Cortez Avenue who were complaining about the cats.

Ms. Sanderson asked what was their complaint.

Officer Lee said that they let their cats outside all day. The outside cats were making a lot of noise and they have had to replace some screens in their home. He said they are an elderly couple and it is becoming a nuisance to them.

Ms. Sanderson asked when was the first time that you were called out to the property.

Officer Lee answered on December 6, 2021.

Ms. Sanderson asked how many times have you been called out to the property for animals at large.

Officer Lee answered eight (8). He explained that what he does is he traps the cats and he has caught the same cat three (3) times. He does take the cats to the Humane Society and the Humane Society then calls the owner to pick them up. He said that there are three (3) cats on this property, which he has captured all three (3) cats two (2) or three (3) times. He said that he has spoken with the violator and explained to her that the City does have an Ordinance and she cannot have the cats running loose.

Ms. Sanderson asked Officer Lee to read into the record what at large means under the definition of Code Section 14.1.

Officer Lee read into the record, Code Section 14.1, *“At large means off the premises of the owner and not under the immediate control of the owner by a leash not longer than eight (8) feet in length or, in the case of a dog, in an open car or truck by a leash not longer than four (4) feet in length securely fastened to the vehicle. Cat means any member of the animal species Felis catus or Felis domestica.”* He explained that you can have your cat in your yard, but once the cat is off your yard then it is a violation of the City’s Ordinance.

Ms. Sanderson asked that the Board finds that there was a violation, that the violation has been corrected, and that the Board issues a Board order to pay the initial civil penalty of \$50.00, along with enforcement costs of \$57.65. She submitted into the record a copy of Officer Lee's Calls for Service (Exhibit A) and a note from the owner of the cats that was given to the neighbor who has been complaining (Exhibit B).

Mr. Price moved that the Board finds that there was a violation, that the violation has been corrected, and that the Board issues a Board order to pay the initial civil penalty of \$50.00, plus \$57.65 in costs. Mr. McDonald seconded the motion and it passed unanimously.

- i. **CASE #22-CE-12407 / 3332M**
VIOLATOR: Shannon Arguson (tenant) and Dolphin Property Holdings LLC / Michael Buza, Agent (owner)
VIOLATION: Cats at large – Code Section 14-1
VIOLATION ADDRESS: 2450 Cortez Avenue, Vero Beach, Florida 32960
(Failure to pay \$50.00 civil penalty)

Ms. Sanderson reported that service of the citation was provided by certified mail, which was unclaimed, so the property was then posted. The civil penalty in the amount of \$50.00 has not been paid. She asked that the Board finds that there was a violation, that the violation has been corrected, and that the Board issues a Board order to pay the initial civil penalty of \$50.00.

Mr. Price moved that the Board finds that there was a violation, that the violation has been corrected, and that the Board issues a Board order to pay the initial civil penalty of \$50.00. Mr. McDonald seconded the motion and it passed unanimously.

- j. **CASE #22-CE-12441 / 3350M**
VIOLATOR: Lois Hamblet
VIOLATION: Land development code violation – Driveway installed without approval from the Vero Beach Planning Department
VIOLATION ADDRESS: 2020 Cortez Avenue, Vero Beach Florida 32960
(Failure to comply; Failure to pay \$50.00 civil penalty)

Ms. Sanderson submitted photographs of the property into the record (Exhibit A). She reported that service of the citation was provided by property posting. The civil penalty has not been paid. She asked that the Board finds that there is a violation, that the violation continues, and that the Board issues a Board order to correct the violation within 60-days from the date of the Board order or continuing civil penalties in the amount of \$50.00 per day shall commence on the original compliance date of May 12, 2022, until corrected and to pay the initial civil penalty.

Mr. Bryant suggested that they allow 90-days to comply because it takes about three (3) months for anyone to get concrete delivered.

Mr. Price moved that the Board finds there is a violation, that the violation continues, that the Board issues a Board order to correct the violation within 90-days from the

date of the Board order or continuing civil penalties in the amount of \$50.00 per day shall commence on the original compliance date of May 12, 2022, until corrected and to pay the initial civil penalty of \$50.00. Mr. Daige seconded the motion and it passed unanimously.

- k. CASE #22-CE-12452 / 3358M**
VIOLATOR: Sarah A. Huff
VIOLATION: Land development code violation – Water heater installed without a permit from the Indian River County Building Department – Code Section 60.21 (b)(1)
VIOLATION ADDRESS: 3554 Ocean Drive S1201, Vero Beach, Florida 32963
(Failure to comply; Failure to pay \$50.00 civil penalty)

Ms. Sanderson reported that final inspection is scheduled for tomorrow. She asked that the Board issues a Board order allowing 15-days from the date of the Board order to correct the violation and that the civil penalty has been paid.

Mr. Price moved that the Board finds there is a violation, that the violation continues, that the Board issues a Board order to correct the violation within 15-days from the date of the Board order or continuing civil penalties in the amount of \$50.00 per day shall commence on the original compliance date of May 18, 2022, until corrected and that the initial civil penalty has been paid. Mr. McDonald seconded the motion and it passed unanimously.

- l. CASE #22-CE-12454 / 3359M – Repeat Violation**
VIOLATOR: Mulligan’s Vero Acquisition LLC / Incorp Services, Inc.
VIOLATION: Sea Turtle lighting violations – Code Section 46-109 (a)(1)(a)(b)(b)(1)(c)(1-4)
VIOLATION ADDRESS: 1025 Beachland Boulevard, Vero Beach, Florida 32963
(Failure to comply; Failure to pay \$250.00 civil penalty)

Ms. Sanderson reported that service of the citation was provided by certified mail. The property has not come into compliance and the civil penalty has not been paid. She asked that the Board finds that there is a violation, that the violation continues, that the Board issues a Board order to correct the violation within 30-days from the date of the Board order or continuing civil penalties in the amount of \$250.00 per day shall commence on the original compliance date of May 18, 2022, until corrected and to pay the initial civil penalty of \$250.00, and enforcement costs of \$46.39.

Mr. Price moved that the Board finds there is a violation, that the violation continues, that the Board issues a Board order to correct the violation within 30-days from the date of the Board order or continuing civil penalties in the amount of \$250.00 per day shall commence on the original compliance date of May 18, 2022, until corrected and to pay the initial civil penalty of \$250.00, plus \$46.39 enforcement costs. Mr. Pizzichillo seconded the motion and it passed unanimously.

- m. CASE #22-CE-12458 / 3360M – Repeat Violation**
VIOLATOR: Veroland LLC / Richard H. Critchfield, Agent

VIOLATION: Sea Turtle lighting violation – Code Section 46-109 (a)(1)(a)(b)(b)(c)
VIOLATION ADDRESS: 3384 Ocean Drive, Vero Beach, Florida 32960
(Failure to comply)

Ms. Sanderson reported that service of the citation was provided by certified mail. The civil penalty and enforcement costs have been paid. She reported that they are in the process of redoing the lighting. She reported that Ms. Bates is present today to discuss where they are in the process of getting compliant lighting.

Ms. Jennifer Bates, Hotel Manager, who has been sworn in, said they are working on getting proper lighting. She reported that she was told it would be between two (2) and three (3) weeks to receive the lights. She said that she would be receiving some bulbs to replace a lot of the lighting sooner, but there were about 17 lights that they would have to wait for delivery. She asked that the Board allows 45-days to comply so they could have a little bit of a buffer in case there are any delays in delivery.

Mr. Bryant suggested that they allow 60-days to comply.

Ms. Sherri Philo, Deputy City Clerk, noted that it was reported that both the civil penalty and the enforcement costs were paid, however the only payment received was for the initial civil penalty.

Ms. Sanderson said the enforcement costs had not been assessed at the time when the citation was paid. She said that she would waive the enforcement costs in that they are working on coming into compliance.

Mr. Price moved that the Board finds there is a violation, that the violation continues, that the Board issues a Board order to correct the violation within 60-days from the date of the Board order or continuing civil penalties in the amount of \$100.00 per day shall commence on the original compliance date of May 18, 2022, until corrected, that the initial civil penalty has been paid, and that enforcement costs have been suspended. Mr. Pizzichillo seconded the motion and it passed unanimously.

- n. **CASE #22-CE-12461 / 3361M**
VIOLATOR: Gull House Limited No 5 / Dr. Jose Valle, Agent
VIOLATION: Sea Turtle lighting violation – Code Section 46-109 (a)(1)(a)(b)(b)
VIOLATION ADDRESS: 3401 Ocean Drive, Vero Beach, Florida 32963
(Failure to comply)

Ms. Sanderson reported that service of the citation was provided by certified mail. The civil penalty has been paid and they are working on coming into compliance. She asked that the Board finds that there is a violation, that the violation continues, that the Board issues a Board order to correct the violation within 60-days from the date of the Board order or continuing civil penalties in the amount of \$50.00 per day shall commence on the original compliance date of May 18, 2022, until corrected and to that the civil penalty has been paid.

Mr. Price moved that the Board finds there is a violation, that the violation continues, that the Board issues a Board order to correct the violation within 60-days from the date of the Board order or continuing civil penalties in the amount of \$50.00 per day shall commence on the original compliance date of May 18, 2022, until corrected and that the initial civil penalty has been paid. Mr. Daige seconded the motion and it passed unanimously.

- o. CASE #22-CE-12464 / 3364M – Repeat Violation**
VIOLATOR: Vero Hotel Management LLC / George Heaton, Agent
VIOLATION: Sea Turtle lighting violation – Code Section 46-109 (a)(1)(a)(b)(b)(c)
VIOLATION ADDRESS: 3500 Ocean Drive, Vero Beach, Florida 32963
(Failure to comply)

This item was pulled from today's agenda.

- p. CASE #22-CE-12494 / 0512J**
VIOLATOR: Genesis and Ryan Puentes
VIOLATION: Land development code violation – Tree removed without a permit - Code Section 60.21 (b)(5)
VIOLATION ADDRESS: 1445 41st Avenue, Vero Beach, Florida 32960
(Failure to comply; Failure to pay \$50.00 civil penalty)

Ms. McGee reported that the violation has been found in compliance as of June 6, 2022, and the civil penalty has not been paid.

Mr. Price moved that the Board finds that there was a violation, that the violation has been corrected, and that the Board issues a Board order to pay the initial civil penalty of \$50.00. Mr. Pizzichillo seconded the motion and it passed unanimously.

- q. CASE #22-CE-12422 / 3343M**
VIOLATOR: Christopher R. Ryan (owner) / Tropical Hardscapes LLC, Henry Maragh, Agent
VIOLATION: Land development code violation – Retaining wall installed without approval from the Vero Beach Planning Department – Code Section 60.21 (b)(1)
VIOLATION ADDRESS: 95 Cache Cay Drive, Vero Beach, Florida 32963
(Failure to comply)

This item was removed from today's agenda.

- r. CASE #20-CE-11380 / 3096M**
VIOLATOR: John Desjardins
VIOLATION: Shed installed without Code Compliance Certification or building permits – Code Section 64.05 (a)(b)(9)(b); 22-181; 22-106

VIOLATION ADDRESS: 2675 10th Court, Vero Beach, Florida 32960

(Request from Code Enforcement Officer to find in compliance on April 19, 2022 and to cease the continuing penalties. The initial civil penalty of \$150.00 has been paid, along with the cost of enforcement of \$63.00. Continuing civil penalties from January 21, 2021 through and including April 18, 2022 of \$150.00 per day x 453 days = \$67,950.00, plus costs)

Ms. Sanderson reported that the property was found in compliance on April 19, 2022. The initial civil penalty and enforcement costs have been paid. She asked that the Board finds the property in compliance as of April 18, 2022, and to cease the continued penalties as of April 18, 2022, and that the Board issues a Board order to pay the accrued continuing penalties and to pay an additional cost of enforcement in the amount of \$106.95.

Mr. Price moved that the Board finds the property in compliance as of April 19, 2022, to cease the continuing penalties as of April 18, 2022, to pay the accrued continuing penalties and costs, and that the initial penalty has been paid. Mr. Daige seconded the motion and it passed unanimously.

s. **CASE #22-CE-12342 / 3459M**

VIOLATOR: Stephen M. Higgins & Charlotte Higgins (owners) / Brent's Tree Service and Landscape Design LLC / Brent A. Oliver (agent)

VIOLATION: Land development code violation / Outdoor shower installed without approval from the Vero Beach Planning Department or a building permit from the Indian River County Building Department – Code Section 60.21 (b)(1); 22-181; 22-106

VIOLATION ADDRESS: 2423 Cordova Avenue, Vero Beach, Florida 32960

(Request from Code Enforcement Officer to rescind previous Board order and to find there was no violation)

Ms. Sanderson reported that this case was heard by the Board at their May meeting and at the time of the hearing the property owner showed her documentation that the shower was already installed so there was not a violation. She asked that the Board rescind their previous motion in that there was no violation.

Mr. Price made a motion that Board finds there was no violation and to withdraw their previous motion. Mr. Daige seconded the motion and it passed unanimously.

t. **CASE #22-CE-12527 / 3384M**

VIOLATOR: James L. Killam

VIOLATION: Unsafe structure – Code Section 22-181 (3)

VIOLATION ADDRESS: 810 21st Street, Vero Beach, Florida 32960

(Failure to comply; Failure to pay \$50.00 civil penalty; Declaring a public nuisance pursuant to Section 2-203, Code of Ordinances)

Ms. Sanderson reported that service of the citation was provided by certified mail and property posting. The civil penalty has not been paid and the property remains in compliance.

Mr. Turner reported that this is the building that recently had a fire. He felt that something needed to be done because it is a public hazard. It is his understanding that an application has been made for a demolition permit, but he has not seen it come through. He recommended that the Board exercise Code Section 2-303 (7), which states in part, *“If the Board finds that the violation exists and constitutes a public nuisance representing a threat to the public health, safety, and welfare, notice of the violation is deemed a public nuisance and should the violation fail to correct the violation and abate such public nuisance within a required period of time ...”*

Mr. Daige said there is a danger. He asked isn't it the City Code where the City Manager could approve abatement of the property.

Mr. Turner said that is correct. He said staff is also going to trigger that section of the Code where there would be an abatement of the property so there would be a lien for the cost of abatement. However, the City would need to have the funds to do the work.

Mr. Daige said the City could clean up the property under the City Manager's authority and then go into the legal process to recoup the funds.

Mr. Turner said that is correct. They could do this as an abatement. He said that he does not know what it would cost for the City to get a contractor to do the work. For today's purposes, he would recommend that the Board allow 30-days to comply.

Ms. Sanderson reported that the original compliance date was given for them to contact the Planning Director to make a plan of action to resolve the violation, which has been done. She said that they have worked with the Planning Director, they have a contractor, and they are working on the permit.

Mr. Price moved that the Board finds there is a violation, that the violation continues, that the Board issues a Board order to correct the violation within 30-days from the date of the Board order or continuing civil penalties in the amount of \$50.00 per day shall commence on the original compliance date of May 27, 2022, until corrected and to pay the initial civil penalty of \$50.00. Mr. Pizzichillo seconded the motion.

Ms. Sanderson said that she told the property owner that if this is done timely that she would withdraw the citation. She asked that the Board puts in the Board order that she has the ability to withdraw the \$50.00 civil penalty.

Mr. Turner recommended that she tell them that this is out of her hands.

Mr. Daige said that he understands Ms. Sanderson's position in that she told them that she would work with them.

Mr. Turner said the urgency in this is his problem.

Mr. Bryant said they had a similar fire at Dyer Chevrolet and they couldn't touch the building for 14 to 22 days because there were several different insurance adjusters that had to come in before they could do anything.

Mr. Pizzichillo said this is a safety hazard and he agreed with the City Attorney's recommendation of allowing 30-days to comply.

Mr. Turner said if they show good faith and they can't get everything done within 30-days they could always come back and ask for some consideration. He felt that they needed to keep some pressure on them.

Mr. Daige agreed. He wanted to be sure that the property owners understands that they need to keep staff in the loop if they were to run into problems.

Mr. Pizzichillo asked that the motion be repeated.

Mr. Price moved that the Board finds there is a violation, that the violation continues, that the Board issues a Board order to correct the violation within 30-days from the date of the Board order or continuing civil penalties in the amount of \$50.00 per day shall commence on the original compliance date of May 27, 2022, until corrected and to pay the initial civil penalty of \$50.00. Mr. Pizzichillo seconded the motion and it passed unanimously.

Mr. Daige referred to the property that had green foliage on the roof. He said it looked like the roof was caving in. He said in looking at the National Housing Code that is not in compliance. He felt that might be something that Ms. Sanderson might want to revisit because the property is in bad shape. He said the Florida Building Code is part of the City's Comprehensive Plan so she could use that to help her further down the road. He said the permit that the property owner received was for interior work, but the roof has problems, which he felt the paperwork should be in the process to get this addressed to ensure that the property is in compliance.

Ms. Sanderson said that she would discuss this with the Planning Director.

6. OLD BUSINESS

None

7. NEW BUSINESS

None

8. ADMINISTRATIVE MATTERS

None

9. CLERK'S MATTERS

None

10. ATTORNEY'S MATTERS

Mr. Turner referred to the Case they heard today for the address of 2675 10th Court, where the continued penalties came to \$67,950.00. He said if this property is not homesteaded, this could be a property where they could issue a lien foreclosure. He felt this would be a good property to investigate on whether or not it would be a good property subject for a lien foreclosure. He said if it is not he would let the Board know.

Mr. Daige asked Mr. Turner to go over this at their next meeting under City Attorney's Matters.

Mr. Turner said that he has some other properties that he would discuss with the Board as well. He said that he would investigate this property in the meantime.

11. CHAIRMAN'S MATTERS

None

12. MEMBER'S MATTERS

None

13. ADJOURNMENT

Today's meeting adjourned at 3:09 p.m.

/sp